

### REMARKS

This is in response to the Office Action dated September 16, 2008 in which the Examiner has maintained his rejection of claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Daft (U.S.P. 5,817,023).

Reconsideration of the rejection is hereby requested per the following.

The Examiner states that Daft is based on convergence positions given by a hyperbolic function. However, this analysis per se is incorrect. It is believed that the differences between the present invention and Daft was already discussed in the last response,

To make further clear the difference between the present invention and Daft, the following discussion is given.

Formula (5) of Daft can be rewritten as follows assuming that  $\theta = 0$ :

$$R_T - c \cdot T_i = (x^2 + R_T^2)^{1/2}$$

The above formula is explained by using Fig. A of the attached EXHIBIT. The right-hand side of the formula corresponds to the hypotenuse of the triangle shown in Fig. A. This corresponds to a distance between an  $i^{\text{th}}$  element of an array and a focal point in the ultrasonic diagnostic apparatus according to the present invention.

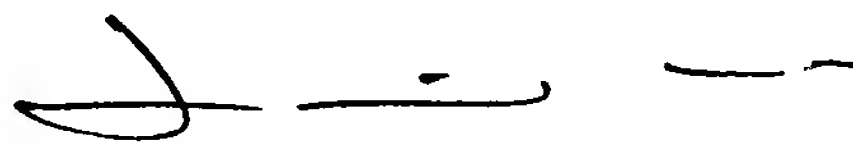
On the other hand, the left-hand side of the above formula corresponds to the hypotenuse of the triangle shown in Fig. B. This corresponds to a sum of the distance  $R_T$  between the focal point and an element just above the focal point and a distance (delay time difference multiplied by sound velocity) that ultrasonic waves advance or travel within a time period corresponding to the delay time  $T_i$ .

From the above it should be apparent that what is indicated by formula (5) of Daft merely shows the Pythagorean theorem, and it has nothing to do with a hyperbola function.

Since Daft does not disclose the use of hyperbola function, it cannot be said that the present invention defined by the pending claims is anticipated by Daft.

In view of the foregoing, it is submitted that the present invention is patentable over the cited art. Accordingly, the Examiner is respectfully requested to reconsider the application and pass the same to issue at an early date.

Respectfully submitted,



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